
Introduced by Senator Vidak

February 1, 2016

An act to amend Section 2640 of the Probate Code, relating to protective proceedings.

LEGISLATIVE COUNSEL'S DIGEST

SB 929, as introduced, Vidak. Compensation of guardians and conservators.

Existing law provides for the appointment of a guardian or a conservator of a person or an estate in specified circumstances. Existing law authorizes a guardian or conservator of an estate to petition the court for, and for the court to grant, an order fixing and allowing compensation to the guardian or conservator of the estate, the guardian or conservator of the person, or an attorney for services rendered to the guardian or conservator of the person or estate or both.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2640 of the Probate Code is amended to
2 read:
3 2640. (a) At any time after the filing of the inventory and
4 appraisal, but not ~~before the expiration of~~ *later than 90 days from*
5 *after* the issuance of letters or any other period of time ~~as that~~ the
6 court for good cause orders, the guardian or conservator of the

1 estate may petition the court for an order fixing and allowing
2 compensation to any one or more of the following:

3 (1) The guardian or conservator of the estate for services
4 rendered to that time.

5 (2) The guardian or conservator of the person for services
6 rendered to that time.

7 (3) The attorney for services rendered to that time by the
8 attorney to the guardian or conservator of the person or estate or
9 both.

10 (b) Notice of the hearing shall be given for the period and in
11 the manner provided for in Chapter 3 (commencing with Section
12 1460) of Part 1.

13 (c) Upon the hearing, the court shall make an order allowing
14 (1) ~~any~~ compensation requested in the petition the court determines
15 is just and reasonable to the guardian or conservator of the estate
16 for services rendered or to the guardian or conservator of the person
17 for services rendered, or to both, and (2) ~~any~~ compensation
18 requested in the petition the court determines is reasonable to the
19 attorney for services rendered to the guardian or conservator of
20 the person or estate or both. The compensation allowed to the
21 guardian or conservator of the person, the guardian or conservator
22 of the estate, and to the attorney may, in the discretion of the court,
23 include compensation for services rendered before the date of the
24 order appointing the guardian or conservator. The compensation
25 allowed shall thereupon be charged to the estate. Legal services
26 for which the attorney may be compensated include those services
27 rendered by ~~any~~ a paralegal performing legal services under the
28 direction and supervision of an attorney. The petition or application
29 for compensation shall set forth the hours spent and services
30 performed by the paralegal.

31 (d) Notwithstanding ~~the provisions of~~ subdivision (c), the
32 guardian or conservator shall not be compensated from the estate
33 for ~~any~~ costs or fees that the guardian or conservator incurred in
34 unsuccessfully opposing a petition, or other request or action, made
35 by or on behalf of the ward or conservatee, unless the court
36 determines that the opposition was made in good faith, based on
37 the best interests of the ward or conservatee.